

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
ETHICS BOARD
MAY 17, 2012 MINUTES**

Flag Salute

SUNSHINE LAW: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this regular meeting in the annual schedule and notice of regular meetings of the Ethics Board. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to **The Record** and the **Ridgewood News**, posted on the Borough website and filed with the Borough of Dumont on November 21, 2011.

ROLL CALL: Thomas Ciotti, Adriann Green, John McKenna, Ted Pomeroy, Thomas Reagan: present.

Also in attendance at the meeting were Anne Marie Rizzuto, Ethics Board Attorney, and Kathy Schaefer, Board Secretary.

Copies of the minutes of the March 15, 2012 meeting were sent to all Board members prior to the meeting.

Motion to approve the Minutes of the March 15, 2012: Ms. Green

Second: Mr. McKenna

All in favor: Aye

Mr. Ciotti - abstained

Copies of the minutes of the March 15, 2012 Closed Session Minutes were distributed at the meeting.

Motion to approve the Minutes of the March 15, 2012 Closed Session Minutes: Mr. Reagan

Second: Mr. Pomeroy

All in favor: Aye

Mr. Ciotti - abstained

Copies of Statement for Legal Services Rendered for January 25 through May 15, 2012 submitted by Ms. Rizzuto were distributed at the meeting.

Motion to approve Statement for Legal Services Rendered for payment: Ms. Green

Second: Mr. McKenna

All in favor: Aye

Other Business:

Copies of the New Jersey State League of Municipalities "2012 Local Government Ethics Law" will be distributed to all members of the Board, the Council Liaison and the Board Secretary".

Motion to open the meeting to the public: Mr. Reagan
Second: Mr. McKenna
All in favor: Aye

There being no members of the public present, Mr. Reagan asked for a motion to close to the public: Mr. Reagan
Second: Mr. Ciotti
All in favor: Aye

Ms. Rizzuto stated that we have the minutes from the last meeting at which she had gone on at length about the various procedures and the order in which they occur for discussing a complaint, not this particular complaint that has been filed but any complaint filed and the procedures we have to do. Ms. Rizzuto, addressing Mr. Ciotti, asked him if he had anything in general that he needs answers to in the open public meeting. He questioned, with regards to the minutes, emails going back and forth. Can he send emails to the secretary and can we send emails to Ms. Rizzuto or do we have to go through the secretary or Chairperson. Ms. Rizzuto stated that you can communicate with the secretary and obviously, we do communicate to confirm meetings, to receive agendas and whatever other documents need to be exchanged. Ms. Rizzuto's caution and her conservative approach is that we not get into board discussion by email. It is not an outright violation of the Open Public Meetings Law but there have been cases that are before the Government Records Council and before the committee that handles open public meetings, issues where the idea of discussions by email have become relevant and alleged to be a possible violation of the Open Public Meetings Act. They also can become subject to the Open Public Records Act. She feels that any discussions that are supposed to be in open public meeting between more than two members of any board should be held at the public meeting.

She stated that the board about a year or two ago did establish a procedure where they preferred that if a board member had an inquiry, direct it to either the board secretary or currently Tom Reagan who is our Chairperson and he would then communicate it to the attorney, if necessary. The reason for that is to keep costs down. She stated that she represents the board as a whole, she does not represent individual members, and if any kind of litigation was to arise for board members and the board as a whole arising out of public duties, she would be a representative of that person or that board. She cannot have a conflict of interest occurring with individual members.

Motion to go into Closed Session: Mr. Ciotti
Second: Ms. Green
All in favor: Aye

Motion to return to public session: Mr. Reagan
Second: Mr. Pomeroy
All in favor: Aye

Mr. Ciotti made a motion that the Board does not have jurisdiction to proceed with regard to the ethics complaint presented by Mr. McLaughlin.

Second Mr. Pomeroy

Roll Call Vote: Mr. Ciotti, Ms. Green, Mr. Pomeroy – yes

Mr. McKenna, Mr. Reagan – no

Ms. Rizzuto stated from a legal perspective, our full membership of the Board is six members, we current have five, the motion that we do not have jurisdiction has been carried by three votes. However, our ordinance determines that we need four unanimous votes. At this point the Ethics Board will not proceed with the investigation.

Mr. McKenna made a motion for the Board Attorney to draft an advisory opinion not to be started upon until additional budgetary is provided.

Second: Ms. Green

Roll Call Vote: Mr. Ciotti, Ms. Green, Mr. McKenna, Mr. Reagan - yes

Mr. Pomeroy – no

Motion passed.

Ms. Rizzuto stated the advisory would be in draft and it shall be reviewed and revised by the Board in closed session.

Mr. Reagan advised the Board attorney that the first thing she must do is get a letter to the Mayor and Council saying that we are at our budget and we need to have more monetary support. He asked that she also put in that letter regular fees for the rest of the year and an estimate of the cost of what she believes the advisory position would be.

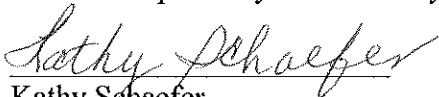
Motion to adjourn: Mr. Pomeroy

Second: Mr. McKenna

All in favor: Aye

The meeting was adjourned at 8:40pm. The next regularly scheduled meeting of the Ethics Board is July 19, 2012.

Minutes respectfully submitted by:



Kathy Schaefer

Ethics Board Secretary